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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF

ADRIAN RISKIN,

Petitioner,

vs.

HOLLYWOOD MEDIA DISTRICT
PROPERTY OWNERS
ASSOCIATION,

Respondent.

CASE NO. BS 166075

**VERIFIED ANSWER TO PETITION
FOR WRIT OF MANDATE**

Respondent Hollywood Media District Property Owners Association
("Respondent") answers Petitioner Adrian Riskin's ("Petitioner") Petition for Writ
of Mandate ("Petition") as follows:

Answering the jurisdictional allegation of the Petition at the first paragraph
numbered "1," Respondent admits the allegation contained therein.

1. Answering the second paragraph numbered "1" of the Petition, Respondent is
informed and believes that the allegations contained therein are true, and on that
basis admits them.

2. Answering paragraph 2 of the Petition, Respondent admits the allegations
contained therein.

1 3. Answering paragraph 3 of the Petition, Respondent lacks information or
2 belief sufficient to admit the allegations concerning petitioner's "concern" or what
3 he is "troubled" by, and on that basis, as well as on information and belief to the
4 contrary, denies that those are his real concerns, and denies the remaining
5 allegations contained in this paragraph.

6 4. Answering paragraph 4 of the Petition, Respondent lacks information or
7 belief sufficient to admit the allegations concerning petitioner's "concerns," and on
8 that basis, as well as on information and belief to the contrary, denies that such is
9 his real concern and alleges that his real interest is to drive Respondent out of
10 business by overburdening it with the time and cost demands of his voluminous
11 Public Record Act ("PRA") requests, a frivolous complaint to the Ethics
12 Commission, and this Petition, and by publishing scurrilous attack screeds on
13 anyone associated with Respondent or other Business Improvement Districts
14 ("BIDs") and even their family members uninvolved in the BIDs, often referring to
15 them as, *inter alia*, "Nazis," "jackbooted thugs," "white supremacists," and similar
16 epithets in his hitherto anonymous blogs, which together with a threat to eliminate
17 BIDs by way of a bomb is all in fact designed to discourage BID participation by
18 volunteer community members, paid staff, and third party contractors; Respondent
19 admits that Ms. Schechter met with City Council Member O'Farrell, who
20 represents the district in which Respondent lies, on at least one occasion within a
21 year of leaving her job as an aide to a City Council Member from another district,
22 and is informed and believes that Petitioner filed an Ethics Commission complaint
23 arising out of such a meeting; and denies the remaining allegations contained in this
24 paragraph, specifically including but not limited to the allegation or implication that
25 Respondent has refused to provide all non-exempt responsive public records in its
26 possession in response to Petitioner's PRA requests.

27 5. Answering paragraph 5 of the Petition, Respondent admits that petitioner
28 uses the PRA and makes some of the records he receives available on his website

1 for free, and lacks information or belief sufficient to admit the remaining
2 allegations of this paragraph and on that basis denies them.

3 6. Answering paragraph 6 of the Petition, Respondent denies the allegations
4 contained therein, specifically including but not limited to the allegation or
5 implication that Respondent has restricted access to public records.

6 7. Answering paragraph 7 of the Petition, Respondent admits the allegations
7 contained therein, and alleges that the request came to Respondent by way of its
8 counsel only.

9 8. Answering paragraph 8 of the Petition, Respondent admits the allegations
10 contained therein, and alleges that Exhibit B includes Respondent's prompt
11 responses to each and every one of Petitioner's emails, includes Petitioner's
12 acknowledgment of Respondent's scheduling and logistical issues, includes
13 Petitioner's statement that there was no urgency to his request or the response
14 thereto, and establishes Respondent's more than reasonable diligence in attempting
15 to identify, recover, review, and produce responsive records.

16 9. Answering paragraph 9 of the Petition, Respondent admits the allegations
17 contained therein, and alleges that it was responding promptly to Petitioner's only
18 "urgent" request.

19 10. Answering paragraph 10 of the Petition, Respondent admits the allegations
20 contained therein, but denies that paragraph 10 is a complete recitation of the
21 subject emails, which in Exhibit C speak for themselves, including that Respondent
22 provided only an estimate of emails which it explained to Petitioner were at that
23 logistically difficult to recover and review.

24 11. Answering paragraph 11 of the Petition, Respondent admits that it produced
25 emails to Petitioner on or about March 27, 2016, admits that such response included
26 later emails than were requested, and alleges that this was done in light of the
27 problems in collecting, reviewing, and transmitting them to Petitioner and for
28 purposes of capturing responses to otherwise missing emails; Respondent denies

1 that the emails produced were selected for any reason other than responsiveness to
2 Petitioner's broad, blanket request for all emails "to or from" the subject, and
3 denies that the request did not seek emails "sent to" the subject as well as "sent
4 from" her.

5 12. Answering paragraph 12 of the Petition, Respondent admits the allegations
6 contained therein.

7 13. Answering paragraph 13 of the Petition, Respondent admits the allegation
8 contained therein, denies the implication that any further response was required and
9 alleges that in fact Respondent believed additional emails had been produced in the
10 interim, and alleges that Petitioner's counsel's inquiry was the first such inquiry
11 from Petitioner since March 27, 2016, and nearly three months later.

12 14. Answering paragraph 14 of the Petition, Respondent admits the allegations
13 contained therein.

14 15. Answering paragraph 15 of the Petition, Respondent admits the allegations
15 contained therein.

16 16. Answering paragraph 16 of the Petition, Respondent admits that Ex. G is a
17 true copy of the subject email response, alleges that it also includes a response
18 noting a request as to which there are no responsive records, admits that responsive
19 records were produced in late June, 2016, and alleges that Respondent provided
20 other records in response to a number of other Petitioner PRA requests in the
21 interim and that Respondent believed additional emails already had been produced
22 in the interim and had not heard to the contrary from Petitioner before June 20,
23 2016.

24 17. Answering paragraph 17 of the Petition, Respondent admits that Petitioner's
25 counsel sent the letter attached as Exhibit H and that it is a true copy of same,
26 alleges that the letter speaks for itself, and denies the remaining allegations and
27 implications contained in this paragraph.

28 18. Answering paragraph 18 of the Petition, Respondent admits that its counsel

1 sent Petitioner's counsel a letter on July 1, 2016, responding to her June 20 letter at
2 length and producing a substantial number of emails requested in two of
3 Petitioner's many prior PRA requests, of which some emails were duplicative
4 despite efforts to eliminate them, and also responded to another pending request
5 Petitioner had not even further inquired about to show its good faith; Respondent
6 denies all remaining allegations contained in this paragraph, and alleges that emails
7 from a time period not specifically requested in the earlier requests were also
8 produced at that time as a convenience to Petitioner given the delay in providing
9 records, and that such delay was inadvertent because Respondent believed the
10 records already had been sent, as Respondent's counsel explained in the subject
11 correspondence.

12 19. Answering paragraph 19 of the Petition, Respondent admits the allegations
13 contained therein, but denies that this paragraph recites the entirety of the subject
14 correspondence attached as Exhibit I, which speaks for itself.

15 20. Answering paragraph 20 of the Petition, Respondent admits that Petitioner's
16 counsel sent the subject letter, and that Exhibit J is a true and complete copy of
17 same, but denies the allegations contained in this paragraph and the letter, including
18 but not limited to the suggestion that all of Respondent's emails are public records
19 or would be retained by Respondent in the ordinary course of its business.

20 21. Answering paragraph 21 of the Petition, Respondent admits that
21 Respondent's counsel sent the letter attached as Exhibit K and that it is a true copy
22 of same, denies that this paragraph contains a complete recitation of the letter, and
23 alleges that the letter speaks for itself.

24 22. Answering paragraph 22 of the Petition, Respondent lacks sufficient
25 information or belief to know where Petitioner got the Exhibit L emails, and on that
26 basis denies that allegation; Respondent is informed and believes that Exhibit L
27 contains true copies of the emails it contains; Respondent denies that none of the
28 emails in Exhibit L or the substance thereof was produced by Respondent in

1 response to one or more of Petitioner's many requests (including in email strings
2 with later dates), and further denies that all such emails—many of which are mere
3 announcements, reflect scheduling efforts, contain transitory information, or are
4 emails that were sent to the subject but may not have been received due to technical
5 problems experienced by Respondent and its email system—constitute public
6 records and the suggestion that all such emails would be retained in the ordinary
7 course of Respondent's business. Respondent further alleges that this paragraph
8 constitutes petitioner's admission that his search for the subject emails never was
9 limited to requests of Respondent, and his admission that he has in fact obtained
10 responsive records from other sources, establishing the mootness of this Petition.

11 23. Answering paragraph 23 of the Petition, Respondent admits the allegations
12 contained therein, but denies any implication that Respondent has not fully
13 responded to the subject PRA requests or did not do so long before this Petition was
14 filed.

15 24. Answering paragraph 24 of the Petition, Respondent denies that the cited
16 Section of the California Government Code defines public records as stated, alleges
17 that the complete definition is contained in Section 6252(e), and denies that this
18 paragraph contains a complete recitation of the subject definition; Respondent
19 admits that many exemptions to production are contained in the Government Code,
20 and alleges that they are set forth in Sections 6254 *et seq.*; and Respondent admits
21 that it is subject to the PRA by way of judicial decision.

22 25. Answering paragraph 25 of the Petition, Respondent admits the allegations
23 contained therein, but denies it is a complete recitation of the cited California
24 Government Code section.

25 26. Answering paragraph 26 of the Petition, Respondent admits the allegations
26 contained therein, but denies it is a complete recitation of the cited California
27 Government Code section.

28 27. Answering paragraph 27 of the Petition, Respondent admits the allegations

1 contained therein, but denies it is a complete recitation of the cited California
2 Government Code section.

3 28. Answering paragraph 28 of the Petition, Respondent denies each and all of
4 the allegations contained therein, specifically including but not limited to the
5 allegation and implication that Respondent has “refused” to provide all responsive
6 records and has not provided them to Petitioner, that it possesses any additional
7 records responsive to the subject PRA requests, and that Petitioner is entitled to
8 attorney fees and costs, inasmuch as Respondent alleges that this Petition is
9 frivolous.

10 29. Answering paragraph 29 of the Petition, Respondent denies each and all of
11 the allegations contained therein, specifically including but not limited to the
12 allegation and implication that Respondent ever has “refused” to provide all
13 responsive records to anyone making a PRA request and has not provided them to
14 Petitioner.

15 30. Answering paragraph 30 of the Petition, Respondent admits that the records
16 requested by Petitioner are maintained in Los Angeles County, but denies the
17 allegation or implication that Respondent has not provided them to Respondent
18 already, denies that all of the requested records are non-exempt, and alleges that
19 applicable exemptions were stated in Respondent’s communications with
20 Petitioner’s counsel in Exhibit I to the Petition (attorney-client communications and
21 drafts).

22 31. Answering paragraph 31 of the Petition, Respondent denies each and every
23 allegation contained therein and any implication that Respondent did not locate any
24 records responsive to Petitioner’s PRA requests that existed at the time of the
25 requests and thereafter or “failed” to conduct a reasonable search therefor.

26 32. Answering paragraph 32 of the Petition, Respondent admits that the cited
27 Code sections provide for relief, but deny that Petitioner is entitled to any such
28 relief, particularly but not exclusively because Respondent already has produced all

1 responsive records in its possession in response to the subject PRA requests as well
2 as in response to numerous other subsequent requests by Petitioner, and because
3 Respondent has acknowledged his receipt of additional responsive records from
4 other sources.

5
6 **FIRST SEPARATE AND ADDITIONAL DEFENSE**

7 **(Unclean Hands)**

8 33. Petitioner is not entitled to any equitable or other relief because he
9 comes to Court with unclean hands, to wit, this Petition is not intended to obtain
10 public records but rather is part of Petitioner's scheme to drive Respondent out of
11 business by overburdening it with the time and cost demands of his voluminous
12 blunderbuss Public Record Act requests and of a frivolous complaint to the Ethics
13 Commission, and by publishing scurrilous attack screeds on anyone associated with
14 Respondent or other Business Improvement Districts ("BIDs"), inclusive of BID
15 participant family members not otherwise involved in BID activities, often referring
16 to them as, *inter alia*, "Nazis," "jackbooted thugs," "white supremacists," and
17 similar epithets, which together with a published threat to eliminate BIDs by way of
18 a bomb is all designed to discourage BID participation by volunteer community
19 members, paid staff, and third party contractors.

20 **SECOND SEPARATE AND ADDITIONAL DEFENSE**

21 **(Mootness)**

22 34. Petitioner is not entitled to any equitable or other relief because the
23 relief he seeks is moot in that all responsive public records responsive to
24 Petitioner's PRA requests not exempt from production and in Respondent's
25 possession have been produced after a reasonable effort to identify, recover, and
26 review same, and furthermore in that Petitioner admits that he has obtained
27 additional responsive records from other sources.

1 **THIRD SEPARATE AND ADDITIONAL DEFENSE**

2 **(Frivolous)**

3 35. Petitioner is not entitled to any equitable or other relief because the
4 Petition is frivolous in that it was filed months after Respondent provided all
5 responsive none-exempt records in its possession and explained that it had done so,
6 and months after Petitioner had obtained responsive records from other sources, and
7 because Petitioner's true intent has nothing to do with obtaining public records but
8 rather is part and parcel of his exclusive intent to drive Respondent out of business
9 by way of the time and monetary costs of responding to multiple blunderbuss PRA
10 requests and discouraging BID participation by publishing attack screeds against
11 anyone associated with Los Angeles BIDs, including their non-involved family
12 members, and threatening to eliminate them with violence.

13 WHEREFORE, Respondent prays:

14 1. That Petitioner take nothing by way of his Petition, and that it be
15 denied and that Judgment be entered in favor of Respondent and against Petitioner
16 thereon;

17 2. That the Court find that the Petition is frivolous and award Respondent
18 its attorney fees;

19 3. That Respondent be awarded its costs; and

20 4. That the Court award Respondent any and all such other relief it may
21 seem just and proper.

22 Dated: December 29, 2016

23 JEFFREY C. BRIGGS
24 BRIGGS LAW OFFICE

25 By: _____
26 Jeffrey C. Briggs
27 Attorney for Respondent Hollywood
28 Media District Property Owners
 Association